

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALBERT MEDINA,

Plaintiff

v.

JAMES SCALLY, et al.,

Defendants

Case No.: 2:23-cv-01773-APG-MDC

Order for Status Report

Plaintiff Albert Medina sues defendants James Scally, Lieutenant Bartt, Jaimie Cabrera, and John Doe for events that occurred while Medina was incarcerated at High Desert State Prison (HDSP). After screening, the following claims are pending: (1) an Eighth Amendment claim of deliberate indifference to a serious medical need based on the recent failure to provide him treatment for his wrist arthritis and pain against Scally, Bartt, and Cabrera; and (2) an Eighth Amendment claim of deliberate indifference to a serious medical need based on the failure to provide him medication for gastroesophageal reflux disease (GERD) against Scally, Bartt, Cabrera, and John Doe. ECF No. 21 at 12-13.

Medina moved for a restraining order, arguing that the defendants have delayed or denied medication for his GERD and treatment for his wrist. Medina was informed in April or May 2024 that his “request to be seen for [his] wrist will be expedited on the list.” ECF No. 26-1 at 3. In July 2024, Medina filed a motion for a restraining order. ECF No. 19. In their August 19, 2024 response to Medina’s motion, the defendants stated that “[w]hile the medical records available at this time do not appear to indicate that such an examination has taken place, the time elapsed since this statement was made is brief enough that the issuance of any sort of injunctive relief at this point would be premature and against the public interest.” ECF No. 11 at 12. It is

1 nearly three months later, and there have been no further updates regarding whether Medina has
2 been seen regarding his wrist.

3 I THEREFORE ORDER that by November 27, 2024, the defendants shall file a status
4 report regarding (1) whether plaintiff Albert Medina has seen a doctor for his wrist after having
5 been advised his request was expedited, (2) if not, why not, and (3) if he is scheduled for an
6 appointment, when that appointment is set and why it could not be set sooner.

7 I FURTHER ORDER that information about any upcoming appointment's logistics can
8 be filed under seal with the court.

9 DATED this 13th day of November, 2024.

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12 ANDREW P. GORDON
13 CHIEF UNITED STATES DISTRICT JUDGE
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